

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-22 are presently active; Claims 1 and 9 having been amended by way of the present amendment. No new matter was added.

In the outstanding Office Action, Claims 16-22 are rejected under 35 U.S.C. § 101 as being non-statutory. Claims 1-5 and 8-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Fotland (U.S. Pat. Publ. No. 2001/0048529). Claims 6 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fortland in view of Whiting et al (U.S. Pat. No. 6,618,170).

Firstly, Applicant acknowledges with appreciation the courtesy of Examiner Baker and Supervisory Patent Examiner Williams to conduct an interview in this case on August 1, 2006, during which time the issues in the outstanding Office Action were discussed as substantially summarized herebelow.

During the interview, changes to Claims 16-22 were discussed to place these claims in conformance with M.P.E.P. § 2106. These changes are filed herewith. Thus, it is respectfully submitted that the 35 U.S.C. § 101 rejection has been overcome.

Regarding Fotland, as discussed during the interview, the original color image in Fotland is reprinted and the reprinted color image is compared to the original. For instance, as disclosed:

The method of the present invention overcomes limitations in previous methods of image compensation and particularly color compensation. Using the method of the invention, an original is scanned, saved as a first digital file, and then the file is printed employing the printer whose output is to be corrected. The output of the printer is then scanned and the image saved in a second image file. After registration of the overlapping images on a video display screen, the stored images from the first and second digital files are viewed in rapid sequence. Any image variation will show up immediately as a color-blinking region in the viewed sequence. Digital image control means, either through hardware or software, is provided to allow the viewer to change

the second digital file until the image blink is eliminated or minimized. The second image file is now compensated so that images printed using the compensated printer and the second file will very closely match the original.¹

The present invention compares colors in a more absolute manner by comparing colors to a reference standard (i.e., the reference color patches). During the interview, Supervisory Patent Examiner Williams pointed out that Fotland disclosed the use of test strips at numbered paragraph [0029] which, in her view, could represent a color standard. However, the present invention as claimed and as illustrated in Applicant's Figures 6 and 7 compares the reference color patch after a predetermined plurality of images have been processed. By comparing the reference color patches over time, the operator for example by visualization of the past and present image can make a determination as to whether color drifts have occurred.

Fotland at most only suggests that a test strip is copied (i.e., to make an initial copy), reproduced, and the reproduced copy compared to the initial copy to see if the next subsequent process image (i.e., the reproduced image) is true to initial copy. Fotland does not disclose or suggest comparing reference color patches after a predetermined plurality of images have been processed.

Given this distinction, it is respectfully submitted that independent Claims 1, 8, 9, and 16 (and the claims dependent therefrom) patentably define over Fotland.

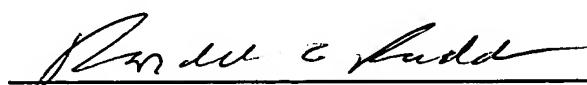
¹ Fotland, numbered paragraph [0012]

Application No. 10/086,897
Reply to Office Action of June 21, 2006

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648
Ronald A. Rudder, Ph.D.
Registration No. 45,618

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)
GJM:RAR:clh

I:\ATTY\RAR\AMENDMENTS (2006)\220287US\RESPONSE TO OA_06212006.DOC